

Hon. David G. Estudillo
NOTE FOR CONSIDERATION: February 3, 2023

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

ALEJANDRO CALDERON,

Plaintiff,

v.

LINEBARGER GOGGAN BLAIR &
SAMPSON, LLP,

Defendant.

NO.: 3:22 cv 05962 DGE

PROPOSED

ORDER GRANTING
DEFENDANT’S MOTION TO
DISMISS FOR FAILURE TO
STATE A CLAIM PURSUANT TO
Fed.R.Civ.P 12(b)(6)

Defendant brought its motion to dismiss this action pursuant to Fed.R.Civ.P 12(b)(6) because the plaintiff’s allegations that defendant violated the Fair Debt Collection Practices Act were without legal merit.

The court has considered defendant’s motion and plaintiff’s response. As a matter of law, the obligation on which defendant sought collection is not a “debt” under 15 U.S.C.A §1692a(4). Since the Fair Debt Collection Practices Act only applies to the collection of “debts” as defined by that Act, plaintiff’s complaint fails to plead at least a plausible claim for relief. Absent such an allegation, the complaint fails as a matter of law.

**PROPOSED ORDER GRANTING
MOTION TO DISMISS COMPLAINT WITH
PREJUDICE PURSUANT TO
Fed.R.Civ.P 12(b)(6) - 1**

KETTER SHEPPARD & JACKSON, LLP
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1 Where there are no plausible facts on which the plaintiff could file a meritorious
2 amended complaint, dismissal with prejudice is mandated. Accordingly, IT IS HEREBY
3 ORDERED that this matter be dismissed with prejudice.

4 Done in open court this ____ day of ____, 2023.

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6 _____
Hon. David G. Estudillo

7 PRESENTED BY:

8 KETTER SHEPPARD & JACKSON, LLP

9 /s/ Andrew D. Shafer

10 Andrew D. Shafer, WSBA No. 9405

11 Attorney for Defendant LGBS

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22 **PROPOSED ORDER GRANTING**
23 **MOTION TO DISMISS COMPLAINT WITH**
PREJUDICE PURSUANT TO
Fed.R.Civ.P 12(b)(6) - 2

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